

MASSACHUSETTS

# Workforce Investment Act

STEERING COMMITTEE

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**WIA Communication No. 00-16**

☒ **Policy**   ☐ **Information**

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**To:** Chief Elected Officials  
Regional Employment Board Chairs  
Regional Employment Board Directors  
Service Delivery Area Directors or Designee  
Career Center Directors  
DET Regional Directors  
DET Area Directors  
(Distributions attached)

**cc:** WIA State Partners (Distributions attached)

**From:** Department of Labor and Workforce Development

**Date:** March 30, 2000

**Subject:** Process for Local Review of the Application to Determine Initial Eligibility to Provide Training Services to Individual Training Account Recipients

**Purpose:** To provide guidance and instruction to the local Workforce Investment Boards in the review of applications for initial eligibility to provide training services to ITA recipients.

**Background:** Section 122(b)2(A) of the Workforce Investment Act requires that, *“Each Governor of a State shall establish a procedure for use by local boards in the State in determining the initial eligibility of a provider to receive training funds for a program of training services”*.

The following pages contain instructions and guidance for the LWIBS in establishing ITA service provider application review process and initial eligibility determination of a provider to receive ITA training funds.

**Policy:** Local boards must establish ITA service provider application review procedures that are in compliance with the guidance provided herein.

**Action Required:** Local Boards must use this policy during the development and implementation of the local ITA training service provider review and initial eligibility determination process.

**Effective:** Immediately

**References:** Workforce Investment Act Section 122(b)2(A), 20 CFR Part 663.510(b)

**Inquiries:** Any questions related to this correspondence should be directed to Spencer Klein (ext. 2356) at (617) 727-8158.

**Filing:** Please file this in your notebook of previously issued WIA Communication Series Issuances as 00-16.

Enclosures

## I. OVERVIEW

Section 122(b)2(A) of the Workforce Investment Act requires that, “*Each Governor of a State shall establish a procedure for use by local boards in the State in determining the initial eligibility of a provider to receive training funds for a program of training services*”. All Local Workforce Investment Boards shall use the following policy when developing a local process to review the applications of service providers applying for initial status as approved training program providers in their Workforce Investment Area. **This process shall be used for determining initial eligibility only.** Subsequent eligibility of a service provider will be determined by a separate process that will allow the Local Workforce Investment Boards to set higher levels of performance than statewide standards and use additional verifiable program information than required by the State.

## II. BACKGROUND

The workforce investment system established under the Workforce Investment Act emphasizes informed customer choice, system performance, and continuous improvement. The provider initial eligibility process is an integral part of the strategy for achieving consumer choice. Local Workforce Investment Boards (LWIB), using an application process and criteria established in partnership with the State, identify training providers whose performance qualifies them to receive WIA funds to train adults and dislocated workers in their Local Workforce Areas. A statewide list of eligible training providers is developed comprised of lists submitted by the Local Boards to the designated State entity. *Only those vendors and programs appearing on the Statewide List of Eligible Training Service Providers will be allowed to provide training services to WIA Title I participants.* The statewide list includes descriptions of the providers training programs, the local areas in which the programs are eligible, and performance and cost information about the providers. A WIA Title I participant who has been determined eligible to receive training services may select a provider from the statewide list after consultation with a case manager. The program operator must refer the individual to the selected provider and establish an Individual Training Account (ITA) to pay for the training. With a few rare exceptions, all training services provided to eligible adults and dislocated workers under WIA Title I shall be provided through the use of Individual Training Accounts (ITAs).

The Corporation for Business, Work, and Learning (CBWL) has been designated as the WIA Title I Administrative Agency for the Commonwealth. As such, CBWL is responsible for developing and maintaining the Statewide List of Eligible Training Service Providers.

### **III. THE VENDOR APPLICATION PROCESS**

#### **A. Multi-Purpose Application Package**

CBWL in partnership with the Division of Employment & Training (DET) has developed a Multi-Purpose Application Package. It is designed to streamline the submission of training proposals for the Skills Plus Program, applications for Training Opportunities Program (Section 30) approval and applications for Initial Eligibility to Provide Training Services to WIA Participants Using Individual Training Accounts. Using this Multi-Purpose Application prospective vendors will be able to apply to any combination of the three programs at the same time. Local Workforce Investment Boards will only review WIA ITA Provider Eligibility Application Packages and are not responsible for reviewing applications for the two DET programs. (See Attached Application)

#### **B. Notice**

Notice to the service provider community of the necessity to apply for WIA ITA provider eligibility and the availability of the Multi-Purpose Application and the will be accomplished by multiple methods. Each Local Workforce Investment Board (LWIB) may provide to CBWL a mailing list of training service providers to which the LWIB wishes an application package sent. In addition, solicitations will be done through legal notices in newspapers across the state, direct mailings, and other appropriate means.

#### **C. Mailing/Availability of Application Packages**

The application package will be distributed by the widest possible means. In addition to application mailings by CBWL, copies of the application package will be made available to all LWIBs for distribution to service providers in their area. Further, the application package will be posted on the State WIA website and the Massachusetts Comm-PASS website for download by any interested party. Upon request the application package will be made available by Email or on diskette.

#### **D. Submission**

To avoid confusion and duplication on the part of the service providers, completed application packages will be submitted directly to CBWL as a single point of contact. CBWL will forward the completed packages to the appropriate Local Workforce Investment Board for eligibility review and determination.

E. Timeline

The WIA ITA eligibility application process is open and rolling. Potential training providers may apply at any time. Local Workforce Investment Boards will review applications on a year-round basis.

#### IV. REVIEW PROCESS

A. CBWL Completeness Review

Upon initial receipt of an application package from a service provider, CBWL will log in and review the application for completeness only. An application package is complete when all required forms, signatures, and attachments are present. Complete application packages will be forwarded to the appropriate LWIBs for their review. Depending upon the nature and extent of the missing information, application packages missing required information will be returned to the service provider without further processing or held aside at CBWL until the contacted service provider provides the missing information.

B. Local Workforce Investment Board Initial Eligibility Review Process

**Each Local Workforce Investment Board must develop and maintain procedures to determine the initial eligibility of a service provider's programs in an objective and consistent manner. Each Local Workforce Investment Board must define its own procedures, which meet the requirements of this policy directive. Written procedures must provide for:**

1. **Appointment of Reviewers** – Procedures must include identification of the types of individuals who will review and determine eligibility of the programs. Local Workforce Investment Areas subject to the Federal procurement requirements found at 29 CFR Part 95 or Part 97 may appoint a minimum of a single individual to review service provider applications. Local Area Workforce Investment Areas subject to stricter procurement requirements must comply with those requirements when appointing reviewers. All reviewers are subject to the WIA and State conflict of interest laws.
2. **Use of standard Minimum Criteria** - Procedure must include the process the reviewers must follow when using the standard Minimum Criteria established by the state to determine the **initial eligibility** of service provider's program(s). The Minimum Criteria are:

- (a) Fiscal Capacity, Financial Stability and sound financial accounting systems. Evidence of fiscal capacity will be satisfied by an audited financial statement.
- (b) Programmatic Capacity. Applicants must show evidence of programmatic capacity. Evidence of program capacity will be satisfied by Licensure by the MA Dept. of Education or for organizations overseen by other licensing boards or commissions, evidence of good standing with those boards or commissions. Organizations not subject to licensing in the past must submit evidence of their programmatic capacity by verifiable documentation of successful past programming of a similar nature.
- (c) Administrative Capacity. Evidence of administrative capacity will be satisfied by signed WIA Terms & Conditions Form executed by an authorized signatory of the service provider.

3. **Setting & Using Local Performance Standards** – Each Local Workforce Investment Board must set and document its own local performance standards for the following Performance Measure Criteria **prior** to reviewing any application packages:

- (a) Completion Rate for Program
- (b) Entered Unsubsidized Employment Rate
- (c) Hourly Wage at Placement

Procedure must include the process the reviewers must follow to apply the local performance standards in an objective and consistent manner. Applicants may not be penalized for failure to provide performance information if it is not available.

- 4. **Adequate Documentation** - Procedure must include the use of a standardized Review Form that will serve as documentation of the review and eligibility determination process.
- 5. **Review Period** – Reviewers must complete the review and determine the eligibility of an application within 30 days of its receipt by the Local Workforce Investment Board. CBWL shall independently determine the initial eligibility of a service provider if it does not receive a determination of initial eligibility from the applicable LWIB within the 30-day period.

**Submission of Eligible/Ineligible Providers** – Each Local Workforce Investment Board shall submit to CBWL a local list of those service providers and programs determined to be initially eligible in their area. In addition, the LWIB shall submit to CBWL a local list of those service

providers determined to be ineligible in their area with a short explanation why each provider was ineligible.

**V. VERIFICATION AND PLACEMENT ON THE STATEWIDE ELIGIBLE SERVICE PROVIDER LIST**

Service Providers determined to initially eligible by the LWIBs shall have essential information verified for accuracy by CBWL prior to being placed on the Statewide Eligible Service Provider List. CBWL shall have 30 days to verify the information relating to the eligible provider. After CBWL verifies the information or 30 days has elapsed, whichever is first, the provider will be placed on the State list. The Statewide Eligible Service Provider List will be made available to all Local Workforce Investment Boards and Local One-Stop Career Centers.